ONE OF THE SURFACE ROAD SUITS DIS-MISSED. JUDGE VAN HOESEN DENIES THE INJUNCTION ASKED FOR BY THE NINTH AVENUE COMPANY AGAINST THE NEW-YORK ELEVATED RAILROAD, AND DIS-

MISSES THE COMPLAINT - THE RIGHTS OF THE TWO COMPANIES CONSIDERED IN DETAIL. Judge Van Hoesen, in the Special Term of the Court of Common Pleas, has given his decision in the suit brought by the Ninth Avenue (horse) Railroad Company against the New-York Elevated Railroad Company, denying the right of the plaintiffs to bring the action, and therefore dismissing the complaint. The purpose of the action was to compel the Rapid Transit Company to abandon entirely all travel on their road above Thirtiethst., to forbid them from making any extension of the road, and to remand them in their work below Thirtiethst. to the system of endless chains, run by stationary engines, which was found impracticable as early as 1871,

after full experiments. In his opinion Judge Van Hoesen, without commenting on the decision of the General Term of the Common Pleas, says merely that he is bound by it to declare the whole line of the Greenwich Street Road, except that part built before April 22, 1873-the part below Thirlieth-st.-a public nulsance, but no one except the Attorney-General can sue to remove or prevent it, who is not specially and privately injured. The Ninth Avenue Railroad Company are not so injured, and therefore have no right of suit. He decides that the company are authorized to run dummy engines where their road itself

This is the only injunction suit to forbid generally the extension of the New-York Elevated Railway. Mr. Spader's suit only forbuls the extension of the road over the Battery, on special grounds: John Patten's suit only forbids the completion of a turn-out in front of his property, and in the fourth suit, while it is as broad in its purposes as the Ninth Avenue suit, no general injunction

The following is the substance of Judge Van Hoesen's

After stating the object of the action to be to enjoin the defendants from using the dummy engines or building any switches or turn-out south of Thirtieth-st., and from maintaining or operating any road north of Thirtieth-st., Judge Van Hoesen points out that the right to operate the present road without switches or turn-out, below Thirtieth-st., and by an endless chain, is conceded. The portion north of Thirtieth-st. was built after April 22, 1873, and the General Term has decided that it was built without authority. He was bound, therefore, to declare that part of the road a common nuisance. But as it is a public nuisance no private person can maintain an action for its suppression without showing particular injury beyond that suffered by the rest of the public, and that such injury is direct, not consequential, of a substantial nature, and not fleeting or evanescent. It is not at all essential that the plaintiff should be the only party injured. The number of those injured may be large, but the injury they sustain must be different in kind from that inflicted upon the rest of the public.

Judge Van Hoesen then sums up the special complaints of the Ninth Avenue Bairoad Company, as, first, that the Elevated Road invades its exclusive franchise, taking the fares of passengers who otherwise would travel on the norse railroad; second, that the columns above Thirtieth-st, and those in the rondway below Thirtieth-st, interfere with ingress to and egress from the plaintiff's cars; third, that the use of dummy engines frightens and injures horses; fourth, that the obstacles arising to travel on the plaintiff's road caused by the use of steam and by the erection of columns and tracks in and over the roadway are so great that it is to be apprehended that unless they are removed the franchise of the plan-On these points Judge Van Hoesen decides that the first

specification of special damage is not supported by the facts. It was not shown that passengers had traveled by the Elevated Railway who otherwise would have paid fare to the plaintiffs. It is wholly a matter of co ture which of the horse railroads the passengers would ture which of the Ejeyated Railroad were absent. But Judge Van Hoesen does not assent to the doctrine that the franchise of the Ninth Avenue Railroad Company is exclusive. No word in the act giving that company authority to operate its road tends to support the claim to amendments to the Constitution does not protect the company in any exclusive right. It requires the consent of the local authorities, and the consent of the owners of half the property along which the road is to run; but such consent been given, or the permission of the Supreme Court in lieu of the consent of property-owners ing obtained, there is nothing to prevent the construction of as many railroads in Ninth-ave, as the Legitlature may see fit to authorize. The plaintiff's franchise is profits, even though without authority of law, will not be stopped by injunction. The loss of fare does not en-

As to the second specification of damage, Judge Van Hoesen holds that there is not a particle of evidence to Read obstruct in the slightest degree access to the plainpassenger, an employé, a horse, or a car of the plaintiff's | the Commodore. ever received the least injury from the defendant's col-umns. It was shown that these columns were so placed ushered into Commodore Vanderbilt's room, was at that it was most improbable that they would present any obstacle to any passenger or imperil either the property of the plaintiffs or the persons of their servants.

On the third specification, Judge Van Hoesen reviews

the mass of evidence presented on the trial. The use of dummy engines on the elevated railway was begun on April 30, 1871; in July, 1873, cars were run to Thirty-fourth-st.; in November, 1875, to Forty-secondst., and in January, 1876, to Fifty-ninth-st. The right to use dummy engines was claimed by the defendants at first under an act of 1868, decided by the court and now conceded by defendants' counsel to be unconstitutional. It is now claimed that the right to use duminy engines is conferred by the act of 1875. If this act does in fact authorize the defendanis to use dummy engines, it is not in the power of the Court to enjoin such use on the road south of Thirtiethst., for below Thirtieth-st, the road is indisputably a lawful structure. The greater number of the injuries shown to have been caused by the operation of the dummy engines have taken place in that very quarter of the city in which, if the act of 1875 be constitutional, the Court cannot prohibit their use. If the employment of dummy engines be authorized by the Legislature, no titigant is entitled to an lejunction because they frighten horses. The defendants might lawfully frighten horses below Twirtieth-st., though the cause of the fright operating north of Thirtieth-st.might give the plaintiffs a right to an injenction. An injunction prohibiting the use of loco-metives on the northern portion of the defendants' line while they were in constant use on the principal part of the route would be of little advantage to the praintiffs.

Judge Van Hoesen says:

The evidence concerning the effect of the dummies upon herses may be summed up briefly. Herses when first driven near to the Elevated Endread exhibit signs of first driven near to the Elevated Endread exhibit signs of first driven near to the Elevated Endread exhibit signs of first driven near everyone their much herses in y be similared it. State of exhibit signs of first driven incar to the Elevated Endred exhibit signs of nervousness red aborn. Some never evercome their fear, but horses as a rule, after being a day or two in the neighborhood of the read, attaid witness tying under the time as the trains speed or everhead. Accidents were formerly far more frequent than new. Experience has embelded the defendants to remove asmo of the imperfections in the dummy which were inkely to excite alarm in horses. The accounts given by the employes of the parantiffs were principally of accidents that occurred long ago. There can be little doubt upon the evidence that at the present time the distmibance to the planniffs houses is so slight as to be almost inappreciable. Indeed, the plaintiffs' evidence consisted in part of the testimony of drivers who were brought, while this suit was pending, from the 1-lighth Avenic Kailroad to the Ninth, with horses unaccastomed to the Elevated Realiway. There would have been no occasion for a resort to such lead of ferror to the barses thereto or driven on the leaf of ferror to the barses thereto or driven on the last of the rear to the barses thereto or driven on the There would not be deviated Road had actually been an object of terror to the borses therefolies diven on the Rufh Ave as Isaad. Fat even if the borses of the plaintiffs were to-day injured by their fears of the dominics, the damene to the plaintiffs would be greater in degree that not different in kind from that austained by the rest of the community, and as has already been said, such damage happening to an individual will not warrant the issuing of an injunction, at his suit, against a public unisance. From the views I have expressed it will appear that in my opinion, if the franchise of the plaintiffs ever becomes valuely as, it will not be because the columns of the defendant obsarved passengers who are attempting to enter and leave the Ninth Avenine cars, or because dummy engines frighten horses and cause cars to be broken. It will be simply because the people prefer the elevated railway to the horse car. That preference is not to be controlled by injunctions.

Judge Van Hoesen then examines the right of the defendants to use dummy engines, concluding that they have seed a right. Under Section 4 of the act of 1875 they have the right to make such changes in motor power as certain commissioners might approve. These were the commissioners appointed under the act of 1867 to Impervise the construction of the original railroad. They are described as commissioners, and it was claimed the under the last amendment of the Constitution their description was invalid, being only by reference to a previous statute without quoting the powers conferred in that statute at length. But Section 4 confers powers and an authority not depending on the act of 1867. The act is therefore valid and the defendant may lawfully use

dummy engines on its road south of Thirtleth-st. The judge makes little account of the allegation that the cars of the Elevated Railway at some points overbang the plaintiffs' cars, as no injury of any importance was shown to result from this, and such injury was a resuit, not of the necessary operation of the Elevated Rail-

way, but of negligence. If any injunction were to be ssued on that account, it would not be to restrain the unning of the cars, but the use of materials which would soil the roofs of plaintiffs' cars. Judge Van Hoesen adds :

There is another consideration which, though not urged upon the argument, strikes me as of great importance. Three years have clapsed since the defendants began to construct their railway north of Thirtieth-st. According to the decision of the General Term of this Court, every column and every rail added to the structure increased a common nuisance. The plaintiffs, aware of their rights and of the danger with which their property was threatened, lay quietly by and, without making the slightest effort to stop the wrongful obstruction of the street, permitted the defendants year after year to proceed with their work and to spend their muney. Such acquiescence should be a bar to equitable relief. It has been decided that where a person who sees a structure in progress, which he knows must deprive him of the enjoyment of rights which he possesses, permits it without objection on his part to be finished at great expense, he cannot obtain the aid of a court of chancery to pull it down.

The complaint should be dismissed, with costs to the There is another consideration which, though not

The complaint should be dismissed, with costs to the defendant.

John M. Scribner and F. N. Bangs appeared for plaintiffs; E. C. Delavan, A. J. Vanderpoel, and James Emott

PLANS OF THE ELEVATED ROAD. THE WORK WHICH WAS INTERRUPTED BY THE NINTH

AVENUE COMPANY'S SUIT.

A reporter of THE TRIBUNE had a conversation last evening with D. W. Wyman, the Superintendent of the New-York Elevated Railway, who has charge of the building of the road. He stated, in reference to Judge Van Hoesen's decision, that as yet the company had received no official notice of it and were unacquainted with the full text, and that it was therefore somewhat early to talk about the operations upon which the road would enter. However, there was no doubt that the injunction had been removed, and the company would immediately begin the completion of the work which was in progress when the suit was brought; if matters were put in a proper shape to-day they would immediately begin work on the following switches to-morrow morning: that from Forty-secondst. to Fiftieth-st., 2,500 feet long; that extending from Twelfth-st. to Twenty-fourth-st., a distance of nearly & of a mile; that at Houston-st., 830 feet long, and that at Liberty-st., 648 feet long. While the suit has been in progress, the beams, girders, tracks, and other parts of the road have been made, are now ready to be placed in position, and only await the mechanical force to set them in their proper places. At the time the suit was began there were 140 men employed, the suit was began there were 140 men employed, who, if they had not been interfered with, would have finished the four switches in a month; but Mr. Wyman said that there was considerable difficulty in getting the work again under thorough system, and that therefore it would probably be about six weeks before they were finished. By means of these extra switches the company would be able to make sufficient changes in the road to satisfy up-town residents. In anticipation of a favorable decision they had had constructed ten new passenger ears, and they would be able to put on five extra trains. They would then run the trains from all the stations every 7½ minutes, and the running time between the Central Fark and the Battery would be 30 minutes. The speed would not be increased. The trains run now every 15 minutes between 6 o'clock a. in, and 7 o'clock p. m. It is not intended to run the trains any earlier in the morning or later in the evening, because there is no travel or call for them.

call for them.

Mr. Wyn an did not doubt that in time these switches would be connected, making two continuous tracks, but how soon that would be done be could not say. When they are connected the trains will be run every three minutes, and the time from the Central Park to the Fattery will be 20 minutes. At present there is no intention of continuing the rond above Sixty-first-st, but it is thought that by the time the switches are indished the sait against the company, brought by Mr. Syader at the Sait against the company, brought by Mr. Syader at the Centinue the road down to the South ferry. The other remaining suit against them is brought by the proprietor of the Pacific Hotel, but they think they have wen their most difficult victory, and that the other suits will not amount to much. Mr. Wymna believed that the decision would be considered a valuable victory by the Gilbert Railway Company, and would considerably strengthen them in proceeding with their wors. He did not expect that the Ninth Avenue Railroyd would attempt to push the sait any further, and anticipated that the Scion can did not doubt that in time these switches

COMMODORE VANDERBILT.

NO IMPORTANT CHANGE YESTERDAY

No important change took place in the condition of Commodore Vanderbilt yesterday. His physicians have not altered their treatment, and do not fear any sudden change for the worse. His appetite still continues poor, though he partakes of toast, oggs, beef tea. an exclusive franchise. Section 18 of Article 3 of the | watermelen, and penches with some relish. The less of aspetite if considerable, would be an indication of danger, as it is not possible to administer stimulants to the patient owing to the nature of his illness. Dr. Linsly said last evening to a Thinuxa reporter, in reply to a question whether or not he anticipated immediate danger, that he did not, and mentioned the fact that Wm. H. Vanderbilt was still at Saratoga, whence he would be summoned at the first indication that the discuse had taken an unfavorable not exclusive, and therefore an interference with its turn. Among these who called upon Commedore Vanderbilt yesterday were the following: The Rev. Dr. Deems, the Rev. J. B. Morse of the Howard Mission, title the plaintiff either to an injunction or to damages. Jacob Vanderbilt, and Mrs. Lebeau, the daughter of Commodore Vanderbilt. The Rev. Mr. Morse said that he did not find the sick man as communicative as usual. Dr. sustain the allegation that the columns of the Elevated | Deems said that he thought that the exceedingly het weather and the peculiar closeness of the atmosphere tiff's cars. Not a single instance was proved in which a during the day had produced an unfavorable effect upon

> once recognized by the sick man and saluted heartly with a cheery, "How are you are old boy t come here and let me shake your band." An animated conversation ensued, in which Mr. Weed expressed the hope that he might see his friend at Saratoga before the close of the scason. To this Commodore Vanderbilt replied, "I don't know about that, but we shall see, we shall see." Mr. Weed in conversation afterward stated that he was surprised to find the old gentleman with his mind so clear and his voice so strong. He said that he found him very cheerful, and that the talk he had with him was animated and pleasant. The conversation was general, concerning topics of common interest and of old times. When Mr. Weed arose to depart Mr. Vanderbilt requested him to remain longer, and commented on the shortness of his stay. Dr. Efflott stated to THE TRIBUNE reporter that Mr. Vanderbilt scened more cheerful after his talk with Thurlow Weed, and that his whole appearance was more animated and bright. Commodore Vanderbilt's daughter, Mrs. Allen, with her son and daughter, called about 8 o'clock last evening.

A PROCLAMATION BY GOV. HENDRICKS.

PROPER COURSE POINTED OUT TO THEM.

THE RAILROAD STRIKERS TOLD TO DISPERSE-THEIR Indianapolis, Ind., Aug. 15.-Gov. Hendricks has issued the following proclamation:

I have been officially informed that a large body of persons employed upon the Olno and Mississippi Railway have banded together for the purpose of obstructing the passage of trains upon said road, and for several days, by force, have prevented the transaction of freight and shipping business, and have stepped and now detain have banded together for the purpose of obstructing the passage of trains upon said road, and for several days, by force, have prevented the transaction of freight and shipping business, and have stopped and now defain upon and along the road many trains laden with live stock and products on their way to market, whereby great public inconvenience and ioss are sustained. I have been informed also that in the county of Knox the sheriff has been and is unable to meet and resist the large force of persons so unlawfully banded together. He has, therefore, called upon me to render inm such assistance as may be necessary to maintain the pythic pence and the authorities of the faw. The welfare of society and prosperity of business throughout an important section of the country require that the organization be at once dishanded. The authority of the law must be restored. Persons interested in the shipment of the products of the country to market have a right to the enjoyment of a feeing of security in respect thereto—which becomes impossible when such combinations for such purposes can exist with impumity. No justification can be found in the fact that the railway company may have failed in any of its obligations toward its employes. For such failure the remedy provided by law is to be found in the courts and not in tregular and dangerous proceedings. By violent and unlawful proceedings, the right cannot be maintained or the law vindicated.

I call upon all who are connected with these bands to withdraw from them at once, and place themselves on the side of lawful authority. In breaking down the authority of the law you do society a great wrong. You cannot expect safety in mutual pledges to stand by each other in unlawful proceedings. The law is stronger than your pledges. You will be overtaken. The agencies and instrumentalities of the law will reach you as eithers, You cannot afford to stand in the actitude of law breakers. I call upon the public officers to exercise all the powers with which they are endowed, to brea

SUPPOSED DISCOVERY OF CHARLIE ROSS. Poughkeepsie, N. Y., Aug. 15 .- A special

to The Eagle from Pine Plains says: "A man and woman have been arrested at Sharon, Conn., who have with them a boy supposed to be Charlie Ross. The persons making the arrest claim that they have no doubt the child is the missing Ross boy. A man giving his name as R. Hibborne of Philadelphia states that he is well acquainted with the Ross family, and that the boy is the victure of his brother. The man who was arrested gave his name as Parker. The woman looks like a squaw. Telegrams have both sent to Philadelphia." OUT-DOOR SPORTS.

SARATOGA FAVORITES AGAIN BEATEN. SURPRISE TO THE BETTING MEN IN EVERY RACE -MADGE, BURGOO, RHADAMANTHUS, AND RESO-LUTE THE WINNERS.

[FROM A SPECIAL CORRESPONDENT OF THE TRIBUNE.]

SARATOGA SPRINGS, N. Y., Aug. 15 .- The cond racing meeting is fast gaining a reputation for being the most disastrous to the heavy betting interests of any on record. To-day has afforded another spectacle of four beaten favorites, and those who make horse racing their business scarcely know where they stand. The majority of spectators clap their hands the louder when they see an unexpected winner, and the losers are no longer noisy, but look selemn and reflect that it does not always mend matters to change the starter. There was considerable money lost and won to-day, but no such nounts as parted company over the Zoo Zoo race, on which one heavy better is said to have lost \$10,000. The morning was cool, but by 11 o'clock the air was scorehing hot again, and the Grand Stand was not se well filled as on Saturday. Gov. Bedle of New-Jersey was conspicuous among politicians present. The absence of ladies was most noticeable. The sport for closeness and excitement far surpassed Saturday, and the clouds of dust were more picturesque than troublesome. If there has not been a great array of competitors in the races of the second meeting, there has seldom been closer or more interesting sport, which is due to the good average and almost equal powers of the few horses engaged. A triffing circumstance of favorable starting er slightly superior condition has been sufficient to turn the scales in favor of the field and against the favorites, as the betting men this season know only too well. Tigo three-quarter-mile dash for all ages, for a purse of \$400, offered a finish of exceptional dash and interest, and Madge brought victory to the McDaniel colors once more, in time which, with the extra six pounds carried, is as good as the fastest ever made. Freebooter was a great favorite, the night before the race seiling as follows: Langstaff's Freebooter, \$175; McDaniel's Madge, \$55; Clabaugh's Cyril, \$20; Smith's Inspiration, \$35; P. Lorillard's Courier, \$21; Ayers's Baywood colt, \$12. Just before the race Freebooter had become so great a favorite that he sold for \$100 to only \$50 on the field. E.M. Johnson of Cincinnati was in the starter's stand, and handled the flag of which Mr. Conner has so long had charge. It is an unenviable position on the race track, and one which a man, if he were inspired with Justice and biessed with the keenest eyesight, could not fill for three days to the satisfaction of the men who lose money. Mr. Johnson had not the good fortune in the first instance to secure the applicase of the betting men, but at any rate there was no delay, though the start was disastrons to the favorite who got off some three or four lengths behind Inspiration, Madge second, and the others in a bunch be hind. The pace was remarkably fast from the outset, Inspiration keeping the lead to the homestreich, Madge second, Courier third, and Freebcoter finally getting in fourth. The horses got up closer together at , the furloug pole. Freebooter worked to the front and challenged Madge, in fact drew a neck away from her, but Madge esponded to the spurt, threw her whole strength into the last three jumps and won by a head in 1:1642. The crowd was silent till Madge had made her last jump. when it gave an instantaneous shout of exultation. Chinaman won a three-quarter mile race in California last year in 1:15%, but carried only 111 pounds, while Madge carried 117 pounds. Mutual pool tickets were worth \$27 30. After Burgao, who sold lowest in the pools, had beaten

live horses accounted his superior in the taile and threequarter dash for a purse of \$600, the betting men inquired with doleful earnestness, " How long I' The McDaniel entries were in excellent trim, and were run to win. Pools just before the race sold as follows: McDanici's Big Sandy and Vigil, \$250-\$550; Deswell's Invoice \$180-\$180; Reed's Gray Friar, \$130-\$190; Hitchcock's Galway, \$125-\$260; Bethune's Burgoo, \$120-\$190. Gray Friar was expected to do wonderful things by a few who had seen him in private training, but he came on to the track carrying as much superfluous float as on his first race, when he was badly beaten. Vigil was very uneasy, and came so near turning a back somersault with his rider that the crowd gave an auditie "Oh?" and a shudder. On the third attempt Burgoo got away with the word and the advantage by a length, Gray Friar see-ond, and the others well up, with the exception of in-voice, who was badly placed, but at the half-nulle post got up even with Eurgoo, who had given way to Gray Friar and Vigil, the four making a four-in-hand team into the homestretch. Almost the same order was main-tained past the Grand Stand and for the next third of a mile. The race was very picture-sque from the quarter to the half-mile week. taimed past the Grand Stand and for the next third of a mile. The trace was very picturesque from the quarter to the half-mile post, the horses being in team order with a heavy train of dust an eighth of a mile long following them. On the upper turn they were in close single file— Vigil first, Burgoo second, Invoice third, Gray Friar next, and Galway fifth. Coming from the horses sud-denly bunched; Burgoo headed Vigil, who fail behind, and Galway coming forward like a storm, gave Burgoo the only serious opposition, but had not staying qualities, Burgoo winning the race by one length in \$10.74, Galway ng the race by one length in 3:07%, Galw ngil third. The mutual pools paid \$24! Second, and Vigit third. The mutual pools paid \$24.90. The black Rhadamanthus was commissioned by fortune to give the favorities a tumble in the mile and an eighto race, for a purse of \$500. There were only four starters, selling as follows: Davis's May D., \$500; Grinstend's Mettle, \$440; Dyer & Brother's Rhadamanthus, \$375; McDaniel's Madge, \$120. May D. was the first to come away from the furiong-pole, and passed the Grand Stand with a slight advantage; Mettle second. Rhadamanthus blind, and Macke, who came near failing at the send off, last. May D. and Mettle Joined issue at the send off, last may be and Mettle Joined issue at the quarter-pole, but ran second to Madge, who had disshed to the front, and who led to the homestreich, when May D. hade her first serious effort to take the race. Rhadamanthus, who was still last, gained rapidly, and on the last furlong made an astonishing pace, and excited the wildest shouting by winning the race by a length in 1594; Madge second, and Mettle third. The mutual pools paid \$31.90.

cited the wildest shouting by winning the race by a length in 1595. Madice second, and Mettle third. The mutual pools paid \$31-90.

As long as Trouble maintained his reputation as a winner, his name was a pleasant joke among his backers. Now there is too much realism about it and the other side has the langh. The two-mile hundle trace for a purse of \$500 and \$150 to the second herse was intensely exciting to the general crowd, but only made the monotony of "beaten favorites" the more apparent. Trouble stood high in the pools, as usual, at these figures: Reed's Trouble, \$500; Fisher & Pearson's Keiso, \$205; Lawrence's Resolute, \$180; Donohue's Stanford, \$155; Green's Milton, \$135; Ayer's Wyndham, \$80. Milton halked as usual and Wyndham aired his heels for ten minutes, getting in one blow on a competitor. Trouble had a good position and was first at the nurdle, Resolute sacond, the others close, and Wyndham hast. This remarkable horse repeated his previous feat of jumpin; straight up and appeared to come down on his limit feet. It was a beautium race through the first mile. Coming to the fiftle hardle, Trouble still led, with Resolute second, and Stanford third. The eccentric Wyndham was still last, and the leaders left such a cloud of dust that he could not see the hurdle. He got over "all in a heap," and the crowd shouted with laughter. Resolute and Stanford forced Trouble into third place at the next hurdle, and the was all on with him. The final struggle was between Resolute and Kelso, the forner winning by barely half a length in 33-4, Kelso second, and Stanford third. The winners shouted with laughter, and obtained \$25.90 for \$55 in the Freach pools. oned with delight, and obtained \$29 90 for

so in the French po-THURSDAY'S RACES.

Thursday's races are next to the last of the second ecting. There will be four purse races, the first for three-year-olds, one mile, for \$500; the second, two miles, for \$700; the third, three-quarters of a mile, a free handleap for two-year-olds, for \$400; and the last a mile and a quarter race for \$500.

CRUISE OF THE NEW-YORK YACHT CLUB. A FAIR WIND AND AN AUSPICIOUS START-VESSELS

IN THE FLUET-PLANS FOR THE CRUISE. [FROM A SPECIAL CORRESPONDENT OF THE TRIBUNE.] GLEN COVE, Aug. 15 .- Glen Cove as a watering place, with the exception of still-water bathing and boating, offers very few attractions to those who seek Summer recreation; consequently life is very quiet. The Pavilion Hotel is an extensive building near the steamboat landing, and is the only- hotel of any pretension. It is capable of accommodating nearly double the number of guests at present living there. The harbor is excellent and perfectly safe, and so completely landlocked, that in case of a north-easter vessels ride easily at anchor. This is one of the chief reasons why many of the yacht clubs rendezvous here preparatory to starting

on their annual cruise. The presence of a number of yachts in the harbor swakens a new life and interest among the hotel guests, who sit under the beautiful trees on the lawn in front of the hotel and facing the bay, and watch the maneuvers of the yachts with manifest enjoyment. Of the several yacht clubs which have made their headquarters here this season none has perhaps awakened so lively an interest and attracted as much attention among the guests as the New-York Yacht Club. This is in part owing to the Madeleine's victory over the Canadian yacht Countess of Dufferin in the races for the America Cup. As each vessel arrived in the bay and came to anchor anxous eyes were directed toward her, but the inquiry " Is that the Madeleine " was in every instance answered in the negative. A great deal of disappointment was occasioned by the absence of the favorite yacht.

The New-York Yacht Club cruise promises to be the most interesting which has taken place for many years. Everybody seems to take an extraordinary interest in it, and the fleet of vessels which left the bay this morning for Shelter Island is the largest and comprises more prominent yachts than have assembled for the annual ruise since 1871, when the English yacht Livonia accompanied them. It comprises 12 schooners and four sloops, with a strong probability of an addition of several more. The fleet at present is as follows : Keel-schooners Alarm, Restless, Rambier, Dreadnaught, and Wander-er; center-board schoeners Foam, Estelle, Meta, Restless, Vesta, Idier, and Paimer; and sloops Arrow, Vindex, Vision, Windward, and Wayward. A meeting of the cap-

tains was held on poard the flagship Alarm last evening, at which J. Denny Boardman, Vice-Commodore of the Eastern Yacht Chib, and owner of the Foam, was present. He stated that the Eastern Chib had extended an invitation to the New-York Yacht Chib to join in the animyitation to the New-York Yacht Chib to join in the animyitation to the New-York Yacht Chib to join in the animyitation to the New-York Yacht Chib to join in the animyitation to the regatta had not been appointed yet, but would be named as soon as a reply to the invitation had been received. The invitation was unanimously accepted, and the regatta will probably take place on Aug. 18 or 19.

The following programme for the crulse was agreed upon: Leaving Glen Cove for Sheker Island on Tuesday, Aug. 15; from Shelter Island to Vineyard Haven on Wednesday; Vineyard Haven to Maghiehead on Thursday; etc. 18 of Shoals to Bortland on Monday, Aug. 21, remaining there that I Wednesday, and then proceeding to Provincetown, where the yachtsmen expect to stay over Thursday, returning thence to Vineyard Haven, and on Saturday proceeding to Newport, where on Monday and Tuesday, Aug. 28 and 29, the club races for the cup prizes presented by the Commodore and Vice-Commodore will take place. In case the regatta of the Eastern Yacht Chub is arranged for Aug. 18 or 19, the fleet will proceed to Swamjescot Bay from Vineyard Haven. Some of the members were anxious that the fleet should visit New-London, but it was decided not to do so.

As early as 5 o'clock this morning all was activity in

do so.

As early as 5 o'clock this morning all was activity in the fleet, in preparation for the 100-mile sail to Shelter Island. At 5:30 o'clock a gun was fired from the flagship, announcing to the fleet to prepare to get under way. At the time there was not a breath of air stirring, yet there were favorable indications of a westerly wind, and with the aid of the ebo tide it was hoped that the vessels would drift out of the bay. At 6 o'clock the second gun—to start—was fired, when the yachts weighed ancaor, and, wearing off, were carried out by a fresh south-westerly breeze which sprang up about five minutes before. A fleer sight was never witnessed in the bay than was resented by 16 of the largest yachts of the New-Yerk Club, which, under a fail streich of canvas, sailed out of the harbor in beautiful style, with every prospect of a good run to Shelter Island. The Vindex led the facet out of the barbor, with the Vision, Estelle, Vesta, and Arrow close behind her, followed by the others in the following order: Foam, Meta, Windward, Palmer, Rumbler, Wanderer, Restless, Dreadnaught, Idler, and Wayward. The Alarm waited for the fleet to pass out, and then brought up the rear. The Fleetwing came out from Sanda Point, and appeared as if she were going to join the fleet, but ran in and came to anchor for an hour, when she got under way again and headed for the westward. She will probably join the fleet iter. The center-board schooners Comet and Madeleine, and probably the Josephine and the Atalanta, will join the fleet at Greenport. As early as 5 o'clock this morning all was activity in

THE RIFLE AT CREEDMOOR. PRACTICE OF THE AMERICAN TEAM-MOVEMENTS OF

THE AUSTRALIAN VISITORS. The riflemen composing the team and reserves for the International and Irish-American matche-began their fourth week of practice yesterday. The nooting at the 800 and 900-yard ranges maintained the name average as heretofore, while the shooting at the 1,000-yard target was not as good. This was owing to the interruption occasioned by snowers, which required the changing of the elevation and wind gauge. Major Fulton, who is one of the best shots in the team, scored three consecutive misses, having been misled by the him an under-target shot it should have been an over-target. The next shots were a center and bull's-eye, when he was in interrupted by a passing shower. The two shots ollowing were misses, and he then scored seven bull's eves not one center shot, leaving him with the small core of 48 on the 1,000-yard range. The averages during the practice gave Major Fulton first place on the am. L. L. Allen second, and W. B. Farwell third. The team have been provided by their captain, Major Fulton with awnings 12 feet square, which shields them from the sun's serorelding rays during the practice. Then were only 11 members of the team present yesterday, Messrs, H. S. Jewell, M. Washburn, and Col. Schaffer be ing absent L. Weber was obliged to withdraw from the 1,000-yard practice on account of sickness. L. C. Brue retired after the tenth shot at the 800-yard range, his score then being only 33. The following are the score made yesterday:

J. J. Slade, one of the Australian Team from New South Wales, visited Creedmoor yesterday and fired a

They will begin practice in the carry marinia cases and day. The Victoria section of the feam left Liverpool on the 13th, and will probably arrive on August 22.

Major Fulton stated yesterday that he had been advised that the Scolch Team would leave Europe on August 19, and the Irish Team on August 25.

ANOTHER LETTER FROM W. R. MARTIN. HIS REPLY TO THE CONTROLLER'S STATEMENTS

ABOUT THE PARADE GROUND, Commissioner Martin, President of the Department of Public Parks, has written a letter to Mayor Wickham in reply to the letter of the Ca

10, in which he says:

Mr. Green phrases his statements with a mallelous in genuity so as to load the newspapers into saying that was the owner of land in the indittary parasis ground and had used my official position here by relating to discontinue the logal proceedings to nequire title, so as to earlich myself, or for private gain. I never award any land in the minitary parade ground, nor within five mides of it. Mr. William M. Martin, to whom he says a convey ance was made, and who from similarity of name is confounded with me, is a gentleman not related to inc. I have never and any business transactions with alin whatever. That disposes of the main falsehood.

Mr. Martin then states that Mr. Green was one of the

Mr. Martin then states that Mr. Green was one of the commissioners when the report was made on Oct. 16 1872, in which the present location of the ground wa chosen, and when the map was adopted, Jan. 10, 1873 After reviewing his own connection with the matter first as counsel to the property-owners, and subsequently as a Commissioner of Parks, Mr. Martin continues:

as a Commissioner of Parks, Mr. Martin continues:

We considered your request to discontinue proceedings in the light of the public interests, including the situation in which the Legislature had tailed to relieve them, and in the light of our public obligations. The land had been condemned to the public uses, and the owners placed in a position of injury and binistice, wholly without relief, indees, we went forward. The law made it our duty to go forward, and we had no other course. Our action is limited to this, we refuse to suspend, and to thus heave the property-owners without remedy-but we proceed with the initiatory steps, and present it to the Court, which has simple powers and before whom all parties can be heard and all questions raised. We judge nothing and we decide nothing. There is nothing that involves professional relations may personal favoritism. We perform a stantory duty and place the matter where it can be heard in a case where to suspend action would result in remediess wrong. If the Court should decide that the property-owners have rights that are to be respected, thou certainly we have done our duty in bringing the matter before the Court. If the Court should decide that the property-owners have rights that are to be respected, thou certainly we have done our duty in bringing the matter before the Court. If the Court should decide that the views of the autroller are sufficient reasons to deay the chains of the property-owners, then as certainly we are right in oringing about a judicial determination or those claims, and we present the Courtoller the commindent or those claims, and we present the Court of the commindent of the Mayor. Commissioner we force that the commindent of the Mayor. Commissioner

In another communication to the Mayor, Commissioner Wetmore states that B. C. Wetmore and W. M. Martin had contracted to sell the property referred to in the of the subject by the Park Commissioners, and that neither of them has any interess in any of said lots of in any other property in the vicinity of the proposed parade ground, or to be benefited thereby, and that he as Commissioner concurs in the reasons given by Presi dent Martin for the action of the Board, which was

HAPPY RECOVERY OF STOLEN NOTES AND BONDS.

WATERTOWN, N. Y., Aug. 15 .- On the night of July 21, the safe of R. D. Bullock, a business man of Jackson, Michigan, was broken open, and \$50,000 worth of bonds, notes, and currency stolen. A. M. Hawley, an employé of Mr. Bullock, was suspected, and followed to Detroit the next day, but could not be traced further On July 31 Mr. Bullock received a letter from Richard H. Lee, a resident of this city, stating that if Mr. Bullock would come to Watertown he could probably recover his stolen property. Mr. Builock arrived here a week ago, and has been negotiating through Richard H. Lee with the thieves, who were in Canada. Mr. Lee's brother is one of the burgiars, and is a notorious character. A compensation of \$3,000 was demanded for the restoration of the property, which proposition was declined by Mr. Ballock. Richard H. Lee returned from his second trip to Canada on Saturday last, and agreed to give up Hawley and the property for \$1,000. Mr. Builock agreed to this, and went with Chief of Police Guest of this city to Clayton on Saturday night, Lee having arranged for Hawley to bring the property to that place in a skill from Gananosque, Ontario. About 10 o'clock yesternay the boat put in sight, and Lee was on the dock with a signal of safety. Hawley landed and proceeded with the property to a hotel, where he was arrested. The entire property was recovered. Hawley's confederate is still at large in Canada. would come to Watertown he could probably recover his

ODOR RITUALISTICUS .- Extra-Protestant Pa rishioner (to his Vicar): "I've long been of opinion that 'canse yeon du'stn't burn incense, yeon got them paraffin lamps 'stend o' candies, so as to hev some smell in the chu'ch!!!"—ITuncia. HOME NEWS.

THERMOMETER YESTERDAY AT HUDNUTS, IN 9a. m., 81°. Noon, 87°. 3 p. m., 85°. Midnight, 79°. Highest during the day, 87°. Lowest, 74°. Average, 81°. Same day, 1875, 76°4°.

PROMINENT ARRIVALS.

NEW-YORK CITY.

A Carmine-st. butcher is also a watchmaker. Bundles of fresh flag root are carried through he streets, and are in brisk demand. Jelly fishes have been numerous in the float-

ing baths for the past week. They are removed with The United States training ship Supply left

the harbor yesterday on a practice cruise for the apprentice boys. Yesterday was the Feast of the Assumption,

and was celebrated in the Roman Catholic churches with appropriate services. A twin "rice" watermelon, something never seen before, was exhibited in the wholesale fruit department of Washington Market yesterday.

It is rumored that the directors of the Third Avenue Railroad contemplate raising the fare between Harlem and the City Hall to seven cents.

Controller Green paid the laborers of the Dock Department yesterday for the two weeks ending on Aug. 5. The amount distursed was \$7,432 91.

A fish dealer in Washington Market displayed an eel yesterday which weighed nine pounds when dressed. It was caught in the Gulf of Mexico. Bids were opened at the Controller's office

yesterday for \$188,000 consolidated five per cent stock of the City of New-York (currency), and the whole amount was taken by George K. Sistare at 100.08. Photographing criminals for likenesses for the Rogne's Gallery is generally difficult, as they look

"cross-eyed," twist their mouths, blow out their checks, and otherwise distigure themselves, that they may not a recognized. Deputy Controller Earle yesterday signed warrants on the following accounts: Street improvement

fund, \$2.645 20, lamps and gas, \$4.883 33; other mu-nicipal expenses, \$592 30; various city and county denicipal expenses, \$592 partments, \$5,310-37. A delegation of the French workingmen visited Pelice Headquarters last night, inspected the Su-

perintendent's, Detective's, and other offices, and were given an explanation by Capt. Copeland, who was in charge of the workings of the police telegraph. A woman over 70 years of age applied for odgings a few nights ago at the Carmansville Station-She had walked all the way from Altoona, Penn., in going to Tarrytown to visit one of her children, at morning she resumed her journey.

A public meeting in behalf of the Howard Mission is to be held at the Gospel Tent, Thirty-fourthst., near Broadway, on Thursday evening, at which Mr l deliver a farewell address previous

day 35 applications for licenses, for which about \$1,500 was paid in. The list of universed dealers in some of the precincts have been sent to the poles captains, wh will make arrests in all cases where the license is no conspicuously exhibited. The following is a comparative statement of

The Excise Commissioners received yester-

case, of contagious diseases reported for the two weeks ending Aug. 12, 1876:

During the month of June, 1876, there were ireck, 1 Dutch, 1 Portuguese, 1 Rassian, 1 Argentine, Greek, 1 Dutch, 1 Portuguese, 1 Rassian, 1 Argentine 13 of which the nationality is unknown; total, 76. It this number are included 2 rossels reported missing There were also steamers reported lost as follows; American, 3 English, 2 Franch, 2 Dutch, 2 of which the nationality is unknown; total, 72.

BROOKLYN. The Register of Arrears received \$25,781 72

During last week there were 313 deaths, an case of 58 over the previous week.

John Smith, age 32, of No. 121 Utica-ave., while under the influence of liquor, walked into Myers's Pond, at St. Mark's and Hechester-aves., yesterday, and

Controller Powell yesterday signed a warrant for \$3,500, appropriated for building an addition to the Sixth Percenct Station-house, which is to be used by the Fifth District Court.

An Eastern District pistol dealer states that his saies have largely increased during the last few months, the purchasers generally being persons who wish to guard against burglars.

Alderman Martha, a member of the Special Idermanic Committee on the new municipal building, mnounced his intention of resigning from the commit-ce, as two architects had been chosen to superintend he erection of the building, but no plan had been lesignated. Mrs. Garvey, who deserted her husband,

Daniel Bowe, and remained in Brooklyn, was held yes terday by Judge Riley to await the action of the Grand July. She stated that her former bushand was in the habit of drinking and would not support her and her children. She had heard that he had died from delirium fremens in a hospital at Montpeal.

On account of the anneyance to residents of the Nineteenth Ward from the collection and delivery of carbage at the Washington ave. dock, the Board of Health yesterday resolved to appoint a commission to make inquiries in regard to securing a dock on the Newtown Creek, or the water from of the Sixth, Eighth, Twelfth, and Fourteenth Wards.

Mrs. Graves, the wife of the old man who

attempted to cut his throat near Fort Hamilton on Sunday, denies that he was out of work. She alleges that he was addicted to drinking, and that he taid spent a large sum of memory beginning to her by her father. About three years ago be cut his threat, and was at the City Hospital for six weeks. She thinks he is insanc.

Hugh Conboy, who testified against the Jackson Hollow ruffians on the uspeed into the causes of Officer Scott's death, was attacked by Patrick McFadden, a member of the gang, a few days ego. McFadden was wounded in the failt, and had Coulog arrested on a charge of assault and battery. When Justice Riley learned the facts yesterday be fined McFudden \$20, and held him in \$500 hands to keep the peace for one year. This disposition of the cause was a source of surprise to JERSEY CITY

Eighty-four car-loads of peaches arrived on

the Pennsylvania Railroad yesterday. James Brannagan, the victim of Thomas Dunn's assault on Sunday morning, is cheerful and confident of recovery. The prisoner manifests no concern in relation to the affair.

Newark-ave., Henderson and Grove-sts.,

have been ordered cleared of all obstructions on account of being fire routes, and a special officer has been de-tailed to have all wagons and other obstructions re-The Hayes and Wheeler Battery of the Ist

Assembly District, Jersey City, has been organized by the election of J. Hadden, Alex. Horner, and Walter Delg, liculements. The battery will parade 100 men this NEWARK.

A workingmen's meeting is called for Friday night at Baier's Hall, Newark, to discuss the labor pro

Bishop Corrigan, to whom the matter was referred, has decided that the new Roman Catholic church in the Eighth Ward of Newark shall be built on the Cathedral lot in Fifth-ave.

Elihu B. Earl, for many years proprietor of foundery in the Tenth Ward of Newark, and formerly an active local politician, first a Whig, then an American, and afterward a Democrat, died on Monday John Taylor, while starting a fire in the

oiler-room of Douglase's furniture factory in Newark on Monday, was shot through the cheek by the explosion of a cartridge that was among the shavings with which the fire was kindled. A meeting of Aldermen and prominent citi-

zens of Newark was held yesterday afternoon, in respons to a call from Acting Mayor Stainsby, to consider the propriety of participation in the observance of "Jersoy-men's Day" at the Centennia: Exhibition, by the City of Newark. The chairman appointed a committee of 20 cit-izens to carry out the object of the call.

NEW-JERSEY.

Long Branch.-The post-office at Long Branch was entered by burglars on Monday night, and a number of letters were torn open and the contents were stolen. One addressed to Mrs. James Wallack had ontained \$50; another was known to have inclosed \$10. About \$100 worth of postage stamps were also stolen. The burglars entered at one of the windows, and left a chisel and an old case-knife behind them.

WEST ORANGE.—James Quinn and a party of friends were at Levi Talbert's house in West Orange, when Quinn

went to a saloon to get some liquor, and on his return Tallert refused to let him in the house. Quinn attempted to force an entrance, when Talbert seized a gun loaded with shot and discharged the contents into his face, causing a painful and serious wound. Talbert was as

rested.

DENVILLE.—The Newark Conference camp meeting began its session at Camp Tabor at 3 p. m. yesterday. Bishop Janes, who was expected to preside at the opening, was detained by the death of Mrs. Janes, and the Rev. J. L. G. McKown, D. D., preached in his place to a large audience. It is estimated that 2,500 people are on

LCNG ISLAND.

OYSTER BAY .- A house in Oyster Bay, near the Suffolk County line, was the scene of a remarkable encounter a few nights ago. An alarm had been given, and burglars were supposed to be in the house. A young man rushed down stairs and entered the parlor by a rear man rushed down stairs and entered the parlor by a rear door. A moment later his brother followed with a shot-gun, and entered the parlor by the front door. Everything was dark but hearing a shuffling noise, the one with a gun fired. The other seized a heavy chair and struck his brother on the head. The chair was smalled, and the run-atock was broken in the struggle, and both men shouted for help. Other members of the homestead were aroused, and a light being brought, one of the brothers was discovered in a corner holding the guntarrel before him as a guard, while the other was under the plane brandishing a chair-leg. Examination revealed a music-stand iddied with duckshot, a collar-bone somewhat disarranged, a sprained ankle, two scalp wounds, and four black eyes.

Jamaica.—The Jamaica Rod and Rifle Association

and four black eyes.

Jamaica.—The Jamaica Rod and Rifle Association practice twice a week for places upon a team to be selected to accept challenges. The Association have secepted the invitation extended by the National Rifle Association to send representatives to take part in the International Centennial Match at Creedmoor in September. PATCHOGUE.—Capt. E. Ackerman and crew of Pat-chogue have taken during the season 1,600,000 menha-den, of which 521,000 were caught in one week. Capt. Edward Dayton and crew have taken 1,820,000. The fish are about two-thirds grown.

BARYLON.—Lieut. Bateman of the United States Revenue Marine, stationed at Babylon for the past six months, has been relieved by Lieut. Schumaker, whose headquarters will be at Bay Shore.

STATEN ISLAND.

STAPLETON.-William Jones, colored, who was charged with shooting his wife on Aug. 6, and who escaped, was caught in New-York upon landing from a ferryboat one day last wees, and has been locked up in the Richmond County Juli to await the result of his wife's HUDSON RIVER COUNTIES.

WHITE PLAISS .- The number of criminal

cases which will be presented to the Grand Jury at the

September term of the Court of Oyer and Terminer for Westchester County will be unusually large. There are 71 prisoners in jail awaiting trial or serving out terms of imprisonment for criminal offenses, and 19 are awaiting the action of the Grand Jury. POLICE NOTES.

An unknown man dressed as a laborer was yester-day morning found drowned near Pier No. 9, East River. He was apparently 40 years old and of medium hight. Jacob Derbacks, a German, age 51, of No. 205 West Tenth-st. yesterday took a dose of arsenate of copper intending to commit suicide. Antidotes were administered but Derbacks does soon afterward.

Bridget McKenna, age 9, of No. 449 West Six-

teenth-st. was yesterday morning kneeked down and in-stantly killed at Tenthave, and Sixtemth-st. by a coal cart driven by William Kentof No. 124 Tenthave. The drived

was arrested.

Bridget Buckley, age 32, of No. 18 Oak-st., attempted to commit suicide while temperative insane yesterday by cutting her threat with a razor. The wound was neither deep nor dangerous, and she was detained at the Fourth Precinct Station house as a prisoner. Sergeaut Murray of the Fifteenth Precinct Police recated yesterday Annie Johnson allas Annie Nelson and

arreated yesterday Annie Johnson alias Annie Nelson, and Edmund liessey, on a charge of cuttong two young girls into a nouse of 10-fame. They were arranged at the Washington Place Police Court and held in \$1,000 one \$1,500 bail respect-THE SUNDAY-SCHOOL IN THE WOODS.

MAYVILLE, N. Y., Aug. 15 .- The Rev. W. A. Niles, D. D., of floraelisville, N. Y., lectured at 2 o'clock yesterday afternoon on "The pastor and the little chil-

dren." At 3:30 p. m. an address was delivered by the Rev. Thomas K. Beecher of Elmira, on the 1st verse of the 6th chapter of 11d Corinthians. Mr. Beecher spoke with great pathos and power. A vesper service was conducted at 7 p. m. by P. P. Bliss, and at 8 p. m. a platform meeting was held in the auditorium, at which a number of addresses were made, interspersed with singing by Mr. Bliss, the ffinerant trie, and the North Carolinians. The services were conducted by the Rev. Dr. J. H. Vinsalling vessels reported lost as follows: 24 English, 12 cent, general director of the assembly. The speakers of the evening were the Rev. Jesse Lyman Huribut of Plainfield, N. J.; the Rev. J. A. Worden of Staubenville, Ohio; the Rev. O. H. Tiffany, D. D., of Chicago; the Rev. J. M. cameron of Toronto, Canada; the Rev. T. L. Floed of Jamestown, N. Y., editor of The Assembly Datial Herald; the Rev. Dr. Vall of Boston, Frank Beard of New-York, the Rev. Thomas K. Beecher, the Rev. W. W. Wythe of Fairport, and the Rev. Walcott Calkins of Buffaio. The exercises closed with a rong by P. P. Elles and a display of threworks. The coising exercises of the assembly well exercises closed with a song by P. P. Bibs and a display of fireworks. The closing exercises of the assembly we held to-day. Addresses were delivered by Dr. J. H. V. cent and Lewis Miller of Oldo and Dr. Wythe, the manacers. Dr. Vieccett gives the following summary of the work of the assembly: There have been delivered 6 sermons and 5 lectures on Biblical subjects; 17 general lectures and 40 lectures on Philostine, the tabernacle, and Jerusalem; 42 normal class services have taken place, with 20 eventide conferences, praise services, children's, &c.; 4 Sunday-school sessions; 40 lessons in Greek, Hebrew, and Kindergarten, and 3 conversations on normal class works. The Chantauqua Normai Class course of study has been begun, and papers were presented by persons who passed the competitive examination. The Congress of Christian Workers will begin on the morning of Aug. 16, and continue in session three days.

AN ORDER IN SAGE'S CANAL SUIT. ALBANY, N. Y., Aug. 15,-The case of Orin W. Sage against George W. Schuyler, Auditor, &c., in which the plaintiff asks for a mandamus, came up before Instina Osborn today. The circumstances are as fol lows: On the 18th of December, 1872, Henry J. Mowry contracted with the Canal Commissioners for the cree-tion of a dam across a canal feeder at Cazenevia. On the 3d of March, 1873, there was due him \$714, on the 7th of April, 1873, \$1,292, and on the 25th of July \$7,734 61. For each of the amounts he received a cer-\$7.734 61. For each of the amounts he received a certificate from Commissioner Stroud. On the 24th of
March, 1876, he assigned the claim to Orrin W. Sage.
Mr. Sage learned that there was money in the State
freesury applicable to such claims as his, and on the 6th
of July, 1876, demanded a warrant for the money from
the Auditor, but that efficial refused it. The plaintiff
now asks for a percemptory mandature to compel him to
give the warrant. Justice Osborn granted an alternative
mandamus for the Auditor to show cause on the last
Tuesday of the mouth why the peremptory writ should
not be issued.

APPEAL OF ST. JOHN'S GUILD. The Board of Trustees of St. John's Guild have issued the following appeal:

The St. John's Guild has never applied to the public

The St. John's Guild has never applied to the public in vain, for the charitable have daily evidence of its practical workings and we trust that our carnest solicitation in behalf of thousands of little sick children who cannot ask for themselves, without now be disregarded. The certific heat of this season, as well as the want of wholesome feed and fresh air, has been severely felt by the poor acceptants of crowled tenement houses and cellars. The Sammer work of the Guild is to rescue the thousands of children whose lives are daily imperied by their unfortunate surroundings. To forward this work the Floating Hospital has been built and paid for. Money received this year and expended for 20 exertions, can costing \$250, 18,128 sick children and their methers liberally provided with wholesome food, the best medical attendance (the profession having nobly vointneered their services), and that greatest of all boots—pure air. We cannot conscientiously cease our labors with thousands of mothers clamoring for help for their during little ones, and yet our hands will soon be tied for want of fends. With your assistance we can give 14 more excurrous during the season. For the cause of humanity, for the love you bear your own little ones, we ask you for help! Aid us in this noble work, assist as in our efforts to save to the poor their darlings, the only solace of their cheeriess nomes, by sending your centributions to

WM. H. Gries,

Treasurer, Fleating Hospital Fund, 29 Broadway.

One of a party of Irish laborers was killed by the caving of a gravel bank. Another of the party was relating the affair to a friend. He sa'd: "Och but the boy is kilt share. He's hilt." Then, after a ment's meditation, he continued: "And I wish I knew joot the place where I'm to be kilt. Be jabers, wouldn't be gitten a long ways from that place intirely I"

Lung and throat complaints disappear when

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